IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7274 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

and

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GODHRA SARVAJANIK SHIKSHAN MANDAL, GODHRA

Versus

STATE OF GUJARAT

Appearance:

MR HM PARIKH for Petitioners.

Mr. A.Y. Kogje, AGP for Respondents.

CORAM : MR.JUSTICE J.N.BHATT

and

MR.JUSTICE Y.B.BHATT

Date of decision: 27/11/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

It appears from the petition that the main grievance of the petitioners is the rejection of the

request for acquisition of land on the ground that the landlord or the owner of the land has declined to agree to the proposal for acquisition mooted by the petitioners. The petitioners had earlier entered into private negotiations but without any success and again the Additional Collector of Panchmahals District, Godhra by the same type of reply letter, dated 30.6.2000, reiterated the unwillingness of the owner of the land without considering other requisite aspects. Without entering into the merits of the claim made by the petitioners and without treating this as a precedent as we are not going into the issue of entitlement and competence but in view of the peculiar facts and special circumstances, it would be expedient to direct the respondent No.2 to consider the request of petitioners treating the copy of the petition as a representation. The respondent No.2 Collector, Panchmahals at Godhra is therefore directed to consider the representation keeping in mind all the relevant facts and material circumstances and relevant legal settings in deciding the merits of the claim made by the petitioner-Trust as expeditiously as possible, in accordance with law.

2. At this stage, learned advocate, Mr. Parikh for the petitioners, in view of the aforesaid direction to treat the petition as a representation for being decided by the respondent No.2, Collector,Panchmahals at Godhra,on merits, seeks permission to withdraw the petition. Permission therefore is granted. The petition therefore shall stand disposed of with aforesaid direction. Rule discharged. No order as to costs.

[J.N. Bhatt, J.]

rmr. [Y.B. Bhatt, J.]